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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission	42	Attorney Docket Number	7479
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**ENCLOSURES (check all that apply)**

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <ul style="list-style-type: none"> <li>•Statement for Information Disclosure Statement Under 37 C.F.R. 1.97(e)</li> <li>•Transmittal of Information Disclosure Statement within Three Months of Filing or Before Mailing of First Office Action</li> <li>•Copies of non-patent references</li> <li>•Copy of Foreign Search Report</li> <li>•Information Disclosure Statement by Attorney Regarding References</li> </ul> <b>Remarks</b>
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**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm	Reinhart Boerner Van Deuren s.c.		
Signature			
Printed Name	Antonia M. Holland		
Date	March 3, 2005	Reg. No.	53,840

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Signature			
Typed or printed name	Antonia M. Holland	Date	March 3, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

1173478



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Reinhart Boerner Van Deuren s.c.

By: Antonia M. Holland  
Antonia M. Holland

Date: March 3, 2005

**PATENT APPLICATION**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

GROUP ART UNIT: 1712

EXAMINER: TIMOTHY J. KUGEL

In re application of: Tobin Marks	)	
	)	
	)	
Application No: 10/789,928	)	For: VAPOR DEPOSITED ELECTRO-
	)	OPTIC FILMS SELF-
Filed: February 27, 2004	)	ASSEMBLED THROUGH
	)	HYDROGEN BONDING
Attorney Docket No. 7479	)	
	)	
Customer No. 22922	)	

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

March 3, 2005

**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT  
WITHIN THREE MONTHS OF FILING OR BEFORE MAILING OF  
FIRST OFFICE ACTION (37 CFR 1.97(b))**

**NOTE:** "An information disclosure statement shall be considered by the Office if filed: (1) within three months of the filing date of a national application; (2) within three months of the date of entry of the national stage as set forth in § 1.491 in an international application; or (3) before the mailing date of a first Office action on the merits, whichever event occurs last." 37 CFR 1.97(b).

**NOTE:** The "filing date of a national application" under 37 CFR 1.97(b) has two possible meanings. Where the filing is a direct one to the United States Patent & Trademark Office, the filing is defined in 37 CFR 1.53(b) as "the date on which: (1) A specification containing a description pursuant to § 1.71 and at least one claim pursuant to § 1.75; and (2) any drawing required by § 1.81(a), are filed in the Patent and Trademark Office in the name of the actual inventor or inventors as required by § 1.41." 37 CFR 1.97(b)(1). On the other hand, an international application that enters the national stage occurs when the applicant has filed the documents and fees required by 35 U.S.C. § 371(c) within the periods set forth in § 1.494 or § 1.495. 35 U.S.C. § 371(c) requires the filing of the following: (1) the national fee; (2) a copy of the international application, unless already sent by the International Bureau, and an English translation if filed in another language; (3) amendments under PCT Article 19, with a translation into English if made in

*another language; (4) an oath or declaration; and (5) a translation into English of any annexes to the International preliminary examination report, if such annexes were made in another language.* 37 CFR 1.97(b)(2).

## **IDENTIFICATION OF TIME OF FILING THE ACCOMPANYING INFORMATION DISCLOSURE STATEMENT**

The information disclosure statement submitted herewith is being filed within three months of the filing date of the application or date of entry into the national stage of an international application or before the mailing date of a first Office action on the merits, whichever event occurs last. 37 CFR 1.97(b).

**NOTE:** *"No certification or fee is due when the filing is made within the above time period. It is advisable to ensure that no Office action has been mailed if the disclosure statement is delayed until after three months from filing."*

**NOTE:** *"An information disclosure statement will be considered to have been filed on the day it was received in the Office, or on an earlier date of a mailing if accompanied by a properly executed certificate of mailing under 37 CFR 1.8, or Express Mail certificate under 37 CFR 1.10. An Office action is mailed on the date indicated in the Office action." Notice of April 20, 1992 (1138 O.G. 37-41, 39).*

**NOTE:** *"The term 'national application' includes continuing applications (continuations, divisions, continuations-in-part) so three months will be measured from the actual filing date of an application as opposed [sic] to the effective date of a continuing application." Notice of April 20, 1992 (1138 O.G. 37-41, 39).*

**NOTE:** *"An action on the merits means an action which treats the patentability of the claims in an application, as opposed to only formal or procedural requirements. An action on the merits would, for example, contain a rejection or indication of allowability of a claim or claims rather than just a restriction requirement (37 CFR 1.142) or just a requirement for additional fees to have a claim considered (37 CFR 1.16(d)). Thus, if an application was filed on Jan. 1 and the first Office action on the merits was not mailed until six months later on July 1, the examiner would be required to consider any proper information disclosure statement filed prior to July 1." Notice of April 20, 1992 (1138 O.G. 37-41, 39).*

**WARNING:** *"A petition for suspension of action to allow applicant time to submit an information disclosure statement will be denied as failing to present good and sufficient reasons, since 37 CFR 1.97 provides adequate recourse for the timely submission of prior art for consideration by the examiner." Notice of July 6, 1992 (1141 O.G. 63).*

Dated: March 3, 2005  
Reg. No. 53,840  
Tel. No.: (414) 298-8285



SIGNATURE OF ATTORNEY

Antonia M. Holland

Reinhart Boerner Van Deuren, s.c.

(P.O. Address)

1000 North Water Street, Suite 2100

Attn: Linda Gabriel, Docket Clerk

Milwaukee, WI 53202

**CUSTOMER NO. 22922**

O I P E  
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PATENT  
APPLICATION

Reinhart Boerner Van Deuren s.c.

MAR 07 2005  
By: Antonia M. Holland  
Antonia M. Holland

PATENT & TRADEMARK OFFICE Date: March 3, 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

GROUP ART UNIT: 1712

EXAMINER: TIMOTHY J. KUGEL

In re application of: Tobin Marks )  
Application No: 10/789,928 ) For: VAPOR DEPOSITED ELECTRO-OPTIC  
Filed: February 27, 2004 ) FILMS SELF-ASSEMBLED THROUGH  
Attorney Docket No.: 7479 ) HYDROGEN BONDING

March 3, 2005

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT BY ATTORNEY  
REGARDING REFERENCES

Sir:

On behalf of Applicant and pursuant to 37 C.F.R. § 1.97-.98, three foreign patents that may be relevant are listed on PTO/SB/08a are hereby presented for consideration. The documents listed on sheet 1 of 1 were cited in a PCT search report (copy enclosed) for the corresponding PCT patent application serial no. PCT/US04/06249. Copies of the documents listed on sheet 1 of 1 are enclosed.

However, English-language translations of German document DE 3620825 and Swiss 577 535 are neither within the possession custody or control of the Applicant, nor readily available to the Applicant. Applicant submits copies of these references, as provided by the PCT International Searching Authority.

Respectfully submitted,

BY Antonia M. Holland  
Antonia M. Holland, Attorney  
Registration No. 53,840

Reinhart Boerner Van Deuren s.c.  
Attn: Linda Gabriel, Docket Clerk  
1000 North Water Street, Suite 2100  
Milwaukee, WI 53203-3186  
414-298-8285  
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**PATENT**

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Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on March 3, 2005.

Dated: March 3, 2005

Reinhart Boerner Van Deuren s.c.  
BY: Antonia M. Holland  
Antonia M. Holland

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Tobin Marks .) Group Art No.: 1712.  
)  
Serial No.: 10/789,928 ) Examiner: Timothy J. Kugel  
)  
Filed: February 27, 2004 ) Atty Docket No. 7479  
)  
For: VAPOR DEPOSITED ELECTRO-)  
OPTIC FILMS SELF-)  
ASSEMBLED THROUGH-)  
HYDROGEN BONDING )

**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, VA 22313-1450**

**STATEMENT FOR INFORMATION DISCLOSURE UNDER 37 C.F.R. § 1.97(e)**

1. This statement is being made for the Information Disclosure Statement accompanying this statement.

2. I, the person(s) signing below state:

that each item of information contained in the information disclosure statement was first cited in any communication (copy attached) from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. 37 C.F.R. § 1.97(e)(1).

3. The person making this statement is the practitioner who signs below on the basis of the information in the practitioner's file.

Antonia M. Holland

Antonia M. Holland

Registration No. 53,840  
Telephone No.: 414-298-8321

Customer No.: 22922

Reinhart Boerner Van Deuren s.c.  
Attn: Linda Gabriel, Docket Clerk  
1000 North Water Street, Suite 2100  
Milwaukee, WI 53202



PTO/SB/08a (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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## **INFORMATION DISCLOSURE STATEMENT BY APPLICANT**

**(Use as many sheets as necessary)**

Shee

1 of 2

***Complete if Known***

*Application Number*

10/789.928

*Filing Date*

02/27/2004

***First Named Inventor***

Tobin Marks

## Art Unit

1712

*Examiner Name*

Timothy J. Kugel

She

1

*Attorney Docket Number*

747

## **U.S. PATENT DOCUMENTS**

## **FOREIGN PATENT DOCUMENTS**

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.<sup>1</sup> Applicant's unique citation designation number (optional).<sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04.<sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3).<sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.<sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible.<sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. 1173478

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Substitute for form 1449B/PTO				<b>Complete if Known</b>	
				<i>Application Number</i>	10/789,928
				<i>Filing Date</i>	02/27/2004
				<i>First Named Inventor</i>	Tobin Marks
				<i>Art Unit</i>	1712
				<i>Examiner Name</i>	Timothy J. Kugel
Sheet	2	of	2	<i>Attorney Docket Number</i>	7479

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials *	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		ZHU, PEIWANG; KANG, HU; FACCETTI, ANTONIO; EVMENENKO, GUENNADI; DUTTA, PULAK; MARKS, TOBIN J. Vapor Phase Self-Assembly of Electrooptic Thin Films Via Triple Hydrogen Bonds. Department of Chemistry and Department of Physics as Astronomy, Northwestern University, Evanston, Illinois 60208. JACS Communications, Published on Web 08/30/2003; 11496 J. Am. Chem. Soc. 2003, 125, 11496-11497.	
		ZHU, PEIWANG; KANG, HU; FACCETTI, ANTONIO; EVMENENKO, GUENNADI; DUTTA, PULAK; MARKS, TOBIN J. Electro-Optic Thin Films Self-Assembled via Multiple Hydrogen Bonds From the Vapor Phase. Department of Chemistry and Materials Research Center, Northwestern University, 2145 Sheridan Road, Evanston, Illinois 60208. Department of Physics and Astronomy, Northwestern University, 2145 Sheridan Road, Evanston, Illinois 60208. Polymeric Materials: Science & Engineering 2003 89, 265.	

Examiner Signature	Date Considered
--------------------	-----------------

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 120 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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